

____ COURT, STATE OF UTAH
____ COUNTY, SMALL CLAIMS DEPARTMENT
ADDRESS: _____

_____, Plaintiff Name _____ Street Address _____ City, State, ZIP _____ Phone _____	SMALL CLAIMS AFFIDAVIT AND ORDER (FORM A) Case No. _____
_____, Defendant Name _____ Street Address _____ City, State, ZIP _____ Phone _____	

AFFIDAVIT

Plaintiff swears that the following is true:

(1) Defendant owes plaintiff \$ _____
[] plus a \$37.00 filing fee for a claim of \$2,000 or less \$ _____
[] plus a \$60.00 filing fee for a claim of more than \$2,000 \$ _____
plus an estimated service fee of \$ _____
for a total of \$ _____.

(2) This debt arose on _____ for: _____

_____.

(3) Defendant resides or the claim arose within the jurisdiction of this court.

Plaintiff: _____ By _____ (Agent's name and title, if appropriate)

SUBSCRIBED and SWORN to before me on _____, 20 ____.

Clerk, Deputy or Notary

ORDER OF THE COURT

THE STATE OF UTAH TO THE DEFENDANT: You are directed to appear at a trial and answer the above claim:

On Date: _____ At Time: _____ At
Address: _____

If you fail to appear at the trial, judgment may be entered against you for the amount listed above.

Dated _____, 20 ____

Clerk or Deputy

READ THE INSTRUCTIONS THAT ACCOMPANY THIS FORM

HOW TO FILE A SMALL CLAIMS AFFIDAVIT OR COUNTER AFFIDAVIT

Small Claims cases are governed by Utah Code Title 78, Chapter 6. The Supreme Court has adopted “simplified rules of procedure and evidence” called the Rules of Small Claims Procedures. If you have any questions not addressed in these instructions, refer to the Rules of Small Claims Procedures or the Utah Code. You should be able to locate a copy in your local library, on the State Courts’ Website at <http://courtlink.utcourts.gov> (for Rules of Small Claims Procedures), or the Legislature’s Website at <http://www.state.le.us> (for the Utah Code).

INSTRUCTIONS TO THE PLAINTIFF

1. FILING SUIT. You are the “plaintiff” in this case and the person you are suing is the “defendant.” The maximum amount that you may sue for is \$5,000.00. Claims must be for money only. The Small Claims Department cannot be used to sue for possession of property or to evict a tenant. You may not sue a governmental entity using small claims procedures. To sue a governmental entity you must comply with special statutory procedures and the Utah Rules of Civil Procedure. The debt must be owed to you. An employee may represent an employer, but you may not bring an action on behalf of anyone else. The Small Claims Department has jurisdiction over cases in which the defendant resides or the debt arises within the geographic boundaries of the court. You need to know the amount of the debt, what it is for, and the defendant's name, street address and telephone number. If you are suing a business, call the Department of Commerce at 801-530-4849 or <http://www.e-utah.org/serv/bes> to obtain the business' proper name and the name of its registered agent.

You must prepare the **Affidavit**, sign it in the presence of a notary public or court clerk, have your signature notarized, and file it with the court clerk. The **Affidavit** should be typewritten, but will be accepted if legibly handwritten. You must pay a filing fee (\$37.00 for claims \$2000.00 or less, \$60.00 for claims over \$2000.00) at the time you file the **Affidavit**. If you can not afford the filing fee, you can file an “Affidavit of Impecuniosity” (form available from the court). You will need to provide relevant financial information and the court may decide to waive the filing fee.

It is your responsibility to serve the defendant. You can serve the defendant by:

mailing a copy of the **Affidavit** to the defendant by any method that requires the defendant to sign acknowledging receipt; or

giving the **Affidavit** to the Sheriff's department or Constable, for service on the defendant, and paying for the service.

The **Affidavit** must be served on defendant at least 30 calendar days before the trial date. If you serve the defendant by mail, the date of service is the date that the defendant signs the receipt. If you serve the defendant by mail, you must fill out and file with the court the **Proof of Service** (Form D). The Proof of Service Form must be filed with the court within 10 calendar days of service and must have the original receipt signed by the defendant attached. If the **Affidavit** is served by the sheriff's office or constable, the Proof of Service will be filed by the sheriff or constable. You will need to make sure the Affidavit has been served and proof of the service has been filed with the Court Clerk.

2. TRIAL. The clerk will set a trial date and give you a copy of the **Affidavit** with the trial date on it. **If you fail to appear at trial, your case will be dismissed “with prejudice” and you may not be able to re-file your claim.**

3. COUNTER AFFIDAVIT. If defendant files a **Counter Affidavit** against you, trial may be rescheduled. **If you fail to appear at trial after a Counter Affidavit has been filed, judgment may be entered against you for the amount requested in the Counter Affidavit.**

INSTRUCTIONS TO THE DEFENDANT

1. TRIAL. You have had a lawsuit filed against you. If you wish to contest the plaintiff's claim, you must appear at trial on the appointed day. **If you fail to appear at trial, judgment may be entered against you for the amount requested.**

2. PAYMENT. If you do not dispute the claim, make arrangements with plaintiff to pay the claim and the court costs. If the plaintiff obtains judgment and pursues collection through the court, additional court costs and interest may be charged to you.

3. COUNTER AFFIDAVIT. If the plaintiff owes you money, you may file a **Counter Affidavit** on a form provided by the clerk. You must file the **Counter Affidavit** and pay the proper fee (\$35.00 for claims \$2000.00 or less, \$50.00 for claims over \$2000.00) at least 15 calendar days prior to the trial date. The Court Clerk will mail a copy of the **Counter Affidavit** to the plaintiff. If you intend to file a **Counter Affidavit**, many of the "Instructions To The Plaintiff" will apply to you. Read them.

ADDITIONAL INSTRUCTIONS TO BOTH PARTIES

1. ATTORNEYS. Small Claims cases are informal. Parties are encouraged to represent themselves. However, you may hire an attorney if you wish. Parties with attorneys will not get preferential treatment.

2. SETTLEMENT. If the claim is settled prior to the trial date, call the court for instructions.

3. POSTPONING THE TRIAL. If you want to change the trial date, you must request a "Continuance." Fill out the **Request for Continuance** form available at the court. The court must receive your **Request for Continuance** at least five calendar days before trial. The Court Clerk can grant a continuance of up to 45 calendar days. A longer continuance may be granted only by the judge. Each side can only get one continuance from the Court Clerk.

4. EVIDENCE AND WITNESSES. **It is extremely important that you bring with you to trial all witnesses and papers necessary to prove your claim or defense. If you fail to do this, the case may be decided against you.** Strict rules of evidence do not apply in trials of small claims actions. Irrelevant or unduly repetitious evidence will be excluded. A court may receive the type of evidence commonly relied upon by reasonably prudent persons in the conduct of their serious business affairs. The judge may allow hearsay that is probative, trustworthy and credible. "Hearsay" is testimony about what someone else said. If at all possible, witnesses should testify about their first-hand knowledge. However, if possible, a party should have witnesses to testify rather than rely on hearsay. Claims based entirely on hearsay will generally be disallowed. Evidence should be offered through the statements of live witnesses at trial, except that written statements such as repair bids, appraisals, repair bills and medical bills may be used instead of live testimony to establish the **amount** of a claim. If you intend to rely on such written statements, you should bring them with you. Be sure that the statements are itemized, signed and submitted on the preparer's original letterhead. If your case involves a damaged item, you should give the other party a chance to inspect the damage prior to trial.

If you need the testimony of a witness who will not attend trial voluntarily, you should ask the court or your attorney to issue a **Subpoena** requiring that person to attend. It is your responsibility to have the **Subpoena** served and to pay the witness fee and service fee. A subpoena must be served at least 5 calendar days before trial. You may have a witness appear voluntarily without a subpoena, but the judge will not continue the trial if the witness fails to appear.

5. JUDGMENT. If judgment is granted, the winning party has the right to enforce the judgment. The losing party may be required to testify regarding assets and income. A lien can be placed on the losing party's property, and non-exempt wages, bank accounts, stocks and other assets can be seized and sold by the sheriff or constable. A judgment accrues interest and the prevailing party may be entitled to recover court costs accruing after judgment. **A judgment must be collected or renewed within 8 years**

of the date it is granted or it expires. When a judgment is paid, the winning party must file a **Satisfaction of Judgment** with the court.

6. APPEAL. Either party may appeal a Small Claims judgment within 10 business days (not counting weekends or holidays) of the loser's receipt of notice of entry of judgment. A **Notice of Appeal** must be filed with the court that issued the judgment and the appropriate fee paid. The notice of appeal automatically suspends the judgment, and the winning party may not attempt to collect the judgment.

____ COURT, STATE OF UTAH
____ COUNTY, SMALL CLAIMS DEPARTMENT
ADDRESS: _____

_____, Plaintiff Name _____ Street Address _____ City, State, ZIP _____ Phone _____	SMALL CLAIMS COUNTER AFFIDAVIT AND ORDER (FORM B) Case No. _____
_____, Defendant Name _____ Street Address _____ City, State, ZIP _____ Phone _____	

COUNTER AFFIDAVIT

Defendant swears that the following is true:

- (1) Defendant does not owe plaintiff the sum of \$ _____
- (2) Plaintiff owes defendant the sum of \$ _____
[] plus a \$35.00 filing fee for a claim of \$2,000 or less \$ _____
[] plus a \$50.00 filing fee for a claim of more than \$2,000 \$ _____
for a total of \$ _____.

- (3) This debt arose on _____ for:

_____.

Defendant:

_____ By _____ (Agent's name and title, if appropriate)

SUBSCRIBED and SWORN to before me on _____, 20 ____.

Clerk, Deputy or Notary

ORDER OF THE COURT

THE STATE OF UTAH TO THE PLAINTIFF:

- [] The trial date indicated on the Affidavit remains.
[] The original trial date has been changed to:

Date: _____ Time: _____ Address: _____

If you fail to appear at the trial, judgment may be entered against you for the amount listed above.

I certify that I [] mailed [] delivered a copy of this Counter Affidavit to plaintiff.

Dated _____, 20 _____
Clerk or Deputy

____ COURT, STATE OF UTAH
____ COUNTY, SMALL CLAIMS DEPARTMENT
ADDRESS: _____

_____, Plaintiff Name _____ Street Address _____ City, State, ZIP _____ Phone _____ _____, Defendant Name _____ Street Address _____ City, State, ZIP _____ Phone _____ _____, Defendant Name _____ Street Address _____ City, State, ZIP _____ Phone _____	SMALL CLAIMS INTERPLEADER AFFIDAVIT, COMPLAINT AND SUMMONS (FORM C) Case No. _____
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AFFIDAVIT

Plaintiff swears that the following is true:

(1) Plaintiff is holding \$ _____ because of the following reason:

_____.

(2) Defendants say or may say that they should have the money.

(3) Both defendants reside or the claim arose within the jurisdiction of this court.

(4) Plaintiff has (check one) ☐ paid the money into the court OR ☐ will pay the money to whomever the court directs.

Plaintiff:

_____ By _____ (Agent's name and title, if appropriate)

SUBSCRIBED and SWORN to before me on _____, 20 ____.

Clerk, Deputy or Notary

ORDER OF THE COURT

THE STATE OF UTAH TO THE DEFENDANTS: You are directed to appear at a trial and answer the above claim:

On Date: _____ At Time: _____ At Address: _____

If you do not appear at trial, judgment will be entered determining your claim to the above-described money and disposing of the same. You may also be ordered to pay the costs of the action.

Dated _____, 20____

Clerk or Deputy

READ THE INSTRUCTIONS THAT ACCOMPANY THIS FORM.

HOW TO FILE A SMALL CLAIMS INTERPLEADER AFFIDAVIT

Small Claims cases are governed by Utah Code Title 78, Chapter 6. The Supreme Court has adopted “simplified rules of procedure and evidence” called the Rules of Small Claims Procedures. If you have any questions not addressed in these instructions, refer to the Rules of Small Claims Procedures or the Utah Code. You should be able to locate a copy in your local library, on the State Courts’ Website at <http://courtlink.utcourts.gov> (for Rules of Small Claims Procedures), or the Legislature’s Website at <http://www.state.le.us> (for the Utah Code).

INSTRUCTIONS TO THE PLAINTIFF

1. FILING SUIT. If you have money that you know does not belong to you and it is claimed by more than one other person, you can file an “interpleader” action. An interpleader action will require the people claiming the money to come to court so the judge can decide who is entitled to the money. You are the “plaintiff” in this case and the persons you are suing are the “defendants.” The maximum amount that can be in dispute is \$5,000.00. An employee may represent an employer, but you may not bring an action on behalf of anyone else. The Small Claims Department has jurisdiction over cases in which the defendants reside or the debt arises within the geographic boundaries of the court. You need to know the amount in dispute, what it is for, and the defendants’ names, street addresses and telephone numbers. If you are suing a business, call the Department of Commerce at 801-530-4849 or <http://www.e-utah.org/serv/bes> to obtain the business’ proper name and the name of its registered agent.

You must prepare the **Affidavit**, sign it in the presence of a notary public or court clerk, have your signature notarized, and file it with the court clerk. You must also pay the money in dispute to the court or acknowledge that you will pay the money to whomever the court directs. The **Affidavit** should be typewritten, but will be accepted if legibly handwritten. You must pay a filing fee (\$37.00 for claims \$2000.00 or less, \$60.00 for claims over \$2000.00) at the time you file the **Affidavit**. If you can not afford the filing fee, you can file an “Affidavit of Impecuniosity” (form available from the court). You will need to provide relevant financial information and the court may decide to waive the filing fee.

It is your responsibility to serve the defendants. You can serve the defendants by:

mailing a copy of the **Affidavit** to the defendant by any method that requires the defendant to sign acknowledging receipt; or

giving the **Affidavit** to the Sheriff’s department or Constable, for service on the defendant, and paying for the service.

The **Affidavit** must be served on each defendant at least 30 calendar days before the trial date. The filing fee and service costs may be awarded to the plaintiff from the disputed funds. If you serve a defendant by mail, you must fill out and file with the court the **Proof of Service** (Form D). The Proof of Service Form must be filed with the court within 10 calendar days of service and must have the original receipt signed by the defendant attached. If the **Affidavit** is served by the sheriff’s office or constable, the Proof of Service will be filed by the sheriff or constable. You will need to make sure the Affidavit has been served and proof of the service has been filed with the Court Clerk.

2. TRIAL. The clerk will set a trial date and give you a copy of the **Affidavit** with the trial date on it. Contact your process server before trial to make sure the **Affidavit** has been served on all defendants and proof of the service has been filed with the Court Clerk.

3. COUNTER AFFIDAVIT. If a defendant files a **Counter Affidavit** against you, trial may be rescheduled. **If you fail to appear at trial after a Counter Affidavit has been filed, judgment may be entered against you for the amount requested in the Counter Affidavit.**

INSTRUCTIONS TO THE DEFENDANT

1. TRIAL. You have had a lawsuit filed against you. The plaintiff says that a dispute between you and the other defendant exists about who is entitled to money that the plaintiff has identified in plaintiff's **Affidavit**. If you wish to contest the other defendant's claim, you must appear at trial on the appointed day. **If you fail to appear at trial, judgment may be entered in favor of the other defendant and you will not be able to claim any money from the plaintiff.** The filing fee and service costs may be awarded to the plaintiff from the disputed funds.

2. COUNTER AFFIDAVIT. If the plaintiff owes you money in excess of the money paid into the court, you may file a **Counter Affidavit** on a form provided by the clerk. You must file the **Counter Affidavit** and pay the proper fee (\$35.00 for claims \$2000.00 or less, \$50.00 for claims over \$2000.00) at least 15 calendar days prior to the trial date. The Court Clerk will mail a copy of the **Counter Affidavit** to the plaintiff. If you intend to file a **Counter Affidavit**, many of the "Instructions To The Plaintiff" will apply to you. Read them.

ADDITIONAL INSTRUCTIONS TO PARTIES

1. ATTORNEYS. Small Claims cases are informal. Parties are encouraged to represent themselves. However, you may hire an attorney if you wish. Parties with attorneys will not get preferential treatment.

2. SETTLEMENT. If the claim is settled prior to the trial date, call the court for instructions.

3. POSTPONING THE TRIAL. If you want to change the trial date, you must request a "Continuance." Fill out the **Request for Continuance** form available at the court. The court must receive your **Request for Continuance** at least five calendar days before trial. The Court Clerk can grant a continuance of up to 45 calendar days. A longer continuance may be granted only by the judge. Each side can only get one continuance from the Court Clerk.

4. EVIDENCE AND WITNESSES. **It is extremely important that you bring with you to trial all witnesses and papers necessary to prove your claim or defense. If you fail to do this, the case may be decided against you.** Strict rules of evidence do not apply in trials of small claims actions. Irrelevant or unduly repetitious evidence will be excluded. A court may receive the type of evidence commonly relied upon by reasonably prudent persons in the conduct of their serious business affairs. The judge may allow hearsay that is probative, trustworthy and credible. "Hearsay" is testimony about what someone else said. If at all possible, witnesses should testify about their first-hand knowledge. However, if possible, a party should have witnesses to testify rather than rely on hearsay. Claims based entirely on hearsay will generally be disallowed. Evidence should be offered through the statements of live witnesses at trial, except that written statements such as repair bids, appraisals, repair bills and medical bills may be used instead of live testimony to establish the **amount** of a claim. If you intend to rely on such written statements, you should bring them with you. Be sure that the statements are itemized, signed and submitted on the preparer's original letterhead. If your case involves a damaged item, you should give the other party a chance to inspect the damage prior to trial.

If you need the testimony of a witness who will not attend trial voluntarily, you should ask the court or your attorney to issue a **Subpoena** requiring that person to attend. It is your responsibility to have the **Subpoena** served and to pay the witness fee and service fee. A subpoena must be served at least 5 calendar days before trial. You may have a witness appear voluntarily without a subpoena, but the judge will not continue the trial if the witness fails to appear.

5. JUDGMENT. If judgment is granted, the court will pay or will order plaintiff to pay the defendant the court says is entitled to the money.

6. APPEAL. Either party may appeal a Small Claims judgment within 10 business days (not counting weekends or holidays) of the loser's receipt of notice of entry of judgment. A **Notice of Appeal** must be filed with the court that issued the judgment and the appropriate fee paid. The notice of appeal automatically suspends the judgment, and the winning party may not attempt to collect the judgment.

____ COURT, STATE OF UTAH
____ COUNTY, SMALL CLAIMS DEPARTMENT
ADDRESS: _____

_____, Plaintiff Name _____ Street Address _____ City, State, ZIP _____ Phone _____ _____, Defendant Name _____ Street Address _____ City, State, ZIP _____ Phone _____	PROOF OF SERVICE (FORM D) Case No. _____
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☐ Plaintiff ☐ Defendant certifies that the ☐ Affidavit ☐ Counter Affidavit was mailed to the opposing party. The original document acknowledging receipt signed by ☐ Plaintiff ☐ Defendant is attached to the bottom of this form. If the opposing party is not a person (e.g., a corporation), the name of the person signing the form is _____ and that person's position/title is _____.

Dated _____, 20 _____

☐ Plaintiff ☐ Defendant

_____ By _____ (Agent's name and title, if appropriate)

INSTRUCTIONS FOR PROOF OF SERVICE

If you served the other party by mail, you must prove that the other party got adequate notice. To do so, you must provide the document (not a copy) signed by the other party indicating receipt. The document must show the date the defendant received the **Affidavit** or **Counter Affidavit**. This document must be attached to the bottom left corner of the **Proof of Service** form in a way that still allows anything under the document to be seen (for example, staple only along left margin). If the document covers more than half the page, attach document to 8 1/2" X 11" paper and staple behind **Proof of Service**.

If the other party is a person, that person must sign the document indicating receipt. It is **not** sufficient to have the document signed by someone living at the same place as the party.

If the other party is not a person (for example, a corporation), the document must be signed by someone who is authorized to accept service of process. Please refer to Utah Rule of Civil Procedure 4 to determine who is authorized to accept service for various types of business organizations. You must identify on the **Proof of Service** the name of the person accepting service and the person's title.

The **Proof of Service** must be filed with the court no later than ten days after service. The **Affidavit** or **Counter Affidavit** is considered served on the date the party being served signed the receipt.

If you choose to serve the Affidavit or Counter Affidavit by mail, and do not show the court that the other party got the required notice, you will not be able to get a default judgment if the other party does not appear for trial.

____ COURT, STATE OF UTAH
____ COUNTY, SMALL CLAIMS DEPARTMENT
ADDRESS: _____

<p>_____, Plaintiff</p> <p>Name _____</p> <p>Street Address _____</p> <p>City, State, ZIP _____ Phone _____</p> <p>_____, Defendant</p> <p>Name _____</p> <p>Street Address _____</p> <p>City, State, ZIP _____ Phone _____</p>	<p>REQUEST FOR CONTINUANCE (FORM E)</p> <p>Case No. _____</p>
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[] Plaintiff [] Defendant requests that the trial currently scheduled for _____, 20____, be continued.

ORDER OF THE COURT

The trial date for this case has been changed to _____ (date), _____ (time)
at _____
(address).

If you fail to appear at trial, judgment may be entered against you.

Dated _____, 20____

Clerk or Deputy Clerk

I certify that I mailed a copy of this continuance to [] Plaintiff [] Defendant at the above address on this date.

Dated _____, 20____

Clerk or Deputy Clerk

____ COURT, STATE OF UTAH
____ COUNTY, SMALL CLAIMS DEPARTMENT
ADDRESS: _____

_____, Plaintiff Name _____ Street Address _____ City, State, ZIP _____ Phone _____ _____, Defendant Name _____ Street Address _____ City, State, ZIP _____ Phone _____	SMALL CLAIMS JUDGMENT (FORM F) Case No. _____
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DATE OF TRIAL: _____

PARTIES APPEARING: ☐ Plaintiff ☐ Defendant

THE COURT ORDERS JUDGMENT AS FOLLOWS:

☐ FOR PLAINTIFF ☐ FOR DEFENDANT ON COUNTER AFFIDAVIT
\$ _____ Principal (including any allowable pre-judgment interest and fees)
\$ _____ Court Costs
\$ _____ Total Judgment, with interest ☐ at ____ percent (the current state post-judgment rate) **OR** ☐ ____ percent pursuant to the contract between the parties, until paid.

☐ FOR DEFENDANT ☐ FOR PLAINTIFF ON COUNTER AFFIDAVIT
☐ No Cause of Action
☐ Dismissal With Prejudice (claim may not be refiled)
☐ Dismissal Without Prejudice (claim may be refiled)

This judgment is effective for 8 years.

Dated _____, 20 _____
JUDGE

NOTICE OF ENTRY OF JUDGMENT

I certify that I ☐ mailed ☐ delivered a copy of this judgment to ☐ Plaintiff ☐ Defendant on this date.

Dated _____, 20 _____
☐ Clerk or Deputy
☐ Plaintiff
☐ Defendant

READ THE INSTRUCTIONS THAT ACCOMPANY THIS FORM

NOTICE OF ENTRY OF JUDGMENT

If all parties were at the trial, the court will provide a copy of the judgment to each party. If less than all the parties are at the trial and a claim is dismissed, the party who benefits from the dismissal must send a copy of the judgment with the Notice of Entry of Judgment completed. If less than all parties are at the trial and a default judgment is granted, the party in whose favor the default judgment was granted must send a Notice of Default Judgment (including a copy of the judgment).

HOW TO COLLECT A SMALL CLAIMS JUDGMENT

These Instructions are written as though the plaintiff was granted judgment against the defendant. They also apply to a defendant who was granted judgment against the plaintiff on a **Counter Affidavit**. There are generally fees associated with each of the procedures described below. Keep track of the fees you pay.

If the defendant fails to pay the judgment after receiving notice, you should first consider contacting the defendant to find out why it has not been paid. You should remind the defendant that additional court procedures will add costs to the judgment. If you are unable to work out satisfactory arrangements for payment, the following collection procedures are available through the court:

1. SUPPLEMENTAL ORDER -- To find out the defendant's income and assets. After judgment, you may have the defendant ordered into court to answer questions about the defendant's property, income and assets. Begin this procedure by obtaining a **Supplemental Order** form from the clerk, completing it, and returning it to the clerk to be issued. The clerk will set a date for the defendant's appearance. Defendant must be served with the Order by a Sheriff or Constable at least 5 business days in advance. You are responsible for the costs. You must also appear on the designated date to handle the questioning. You may ask the defendant about employment, assets and other funds owned. You may ask names, addresses and telephone numbers of those who owe the defendant money. You should take detailed notes, so that you may later use the information. When you have information about the defendant's income and assets, you may proceed with the following additional actions.

2. ABSTRACT OF JUDGMENT -- To put a lien on the defendant's real estate. If the defendant owns any real estate in Utah, you can place a lien on it by filing an **Abstract of Judgment**. Begin this procedure by obtaining an **Abstract of Judgment** form from the clerk no sooner than 10 business days after judgment is granted. Complete the form and have it issued by the clerk. Then file the form in the District Court in the county where the defendant's real estate is located. There will be a filing fee. From the time it is filed, the **Abstract of Judgment** constitutes a lien on all real estate in the county listed in the defendant's name. To establish the lien's priority, a separate information statement with certain information about the defendant must be filed with the district court. A form for providing this information is available from the District Court. The defendant will usually be unaware of the lien until the defendant tries to sell or borrow against the property, or until a title search is performed. The lien remains against the property until the judgment is paid or expires. The defendant will usually not be able to transfer the property until resolving the lien.

3. EXECUTION -- To seize the defendant's property and sell it at public auction. Once you have identified real estate or personal property owned by the defendant, you may have the sheriff or constable seize it and sell it. The defendant may be entitled to claim that certain property is exempt from execution. The full list of exempt property is found in Utah Code Title 78, Chapter 23. All seized property is subject to prior liens in favor of other persons, if any. The proceeds from a sale of the property shall be used first to satisfy the costs of sale and then to satisfy your judgment. The balance, if any, must be returned to the defendant. Begin this procedure by obtaining a **Writ of Execution** form from the clerk, completing it and having the clerk issue an original and one copy. There will be a filing fee. You should then take to the sheriff or constable, (1) the issued original and copy, (2) a "request for hearing" packet (provided by the Court Clerk), and (3) a typewritten list of the property to be seized

(including description and location). The sheriff or constable will serve these documents and then contact you to make arrangements for a sale date. You will be responsible for the sheriff or constable's fees.

4. GARNISHMENT -- To intercept money owed to the defendant by someone else. You may garnish defendant's wages, bank accounts, or debts owed to the defendant. State and federal exemptions on wage garnishments will limit your recovery to about 25% of the wages due the defendant when the **Writ of Garnishment** is served. Begin this procedure by obtaining a packet of garnishment forms from the clerk, completing the required information and returning them to the clerk to be issued. You should then give the entire packet to the sheriff or constable for service. The packet will include a list of questions for the person holding the defendant's money (e.g., the defendant's employer, the defendant's bank), who is called the "garnishee." You will be required to pay a filing fee, as well as a fee to the garnishee. The garnishee should answer within 5 business days. Ten business days after you receive the answers, if defendant has not claimed an exemption, ask the court clerk for a Garnishee Order to obtain defendant's money.

OTHER INFORMATION REGARDING SMALL CLAIMS JUDGMENTS

1. APPEAL. Either party may appeal a Small Claims judgment within 10 business days (not counting weekends or holidays) of loser's receipt of notice of entry of judgment. A **Notice of Appeal** must be filed with the court that issued the judgment and the appropriate fee paid.

2. DEFAULT JUDGMENTS/DISMISSALS. If you did not appear for trial and judgment was entered against you, you may ask that the judgment be "set aside." The court must receive the **Request to Set Aside Judgment** within thirty calendar days after the **Notice of Default Judgment** was mailed to you. For more information, see the **Request to Set Aside Judgment** form which is available from the clerks office.

3. SATISFACTION OF JUDGMENT. If and when the judgment is paid, you must obtain and file a **Satisfaction of Judgment** form with the clerk. A **Satisfaction of Judgment** must also be filed in each county in which an **Abstract of Judgment** was filed. There is no cost for the **Satisfaction of Judgment**.

4. DURATION OF JUDGMENT. A Small Claims judgment must be collected within **8 years** of the date it was granted. It may be renewed by filing a new affidavit **before** the original judgment expires.

COURT, STATE OF UTAH

COUNTY, SMALL CLAIMS DEPARTMENT
ADDRESS: _____

<div style="border-bottom: 1px solid black; padding-bottom: 5px;">_____, Plaintiff</div> <div style="border-bottom: 1px solid black; padding-bottom: 5px;">Name</div> <div style="border-bottom: 1px solid black; padding-bottom: 5px;">Street Address</div> <div style="border-bottom: 1px solid black; padding-bottom: 5px;">City, State, ZIP</div> <div style="border-bottom: 1px solid black; padding-bottom: 5px; text-align: right;">Phone</div> <div style="border-bottom: 1px solid black; padding-bottom: 5px;">_____, Defendant</div> <div style="border-bottom: 1px solid black; padding-bottom: 5px;">Name</div> <div style="border-bottom: 1px solid black; padding-bottom: 5px;">Street Address</div> <div style="border-bottom: 1px solid black; padding-bottom: 5px;">City, State, ZIP</div> <div style="border-bottom: 1px solid black; padding-bottom: 5px; text-align: right;">Phone</div> <div style="border-bottom: 1px solid black; padding-bottom: 5px;">_____, Defendant</div> <div style="border-bottom: 1px solid black; padding-bottom: 5px;">Name</div> <div style="border-bottom: 1px solid black; padding-bottom: 5px;">Street Address</div> <div style="border-bottom: 1px solid black; padding-bottom: 5px;">City, State, ZIP</div> <div style="border-bottom: 1px solid black; padding-bottom: 5px; text-align: right;">Phone</div>	<div style="border-bottom: 1px solid black; padding-bottom: 5px;">SMALL CLAIMS JUDGMENT INTERPLEADER (FORM G)</div> <div style="border-bottom: 1px solid black; padding-bottom: 5px;">Case No. _____</div>
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DATE OF TRIAL: _____

PARTIES APPEARING: ☐ Plaintiff ☐ Defendant _____ ☐ Defendant

THE COURT ORDERS JUDGMENT AS FOLLOWS:

☐ FOR DEFENDANT _____ in the amount of \$ _____.

☐ FOR DEFENDANT _____ in the amount of \$ _____.

☐ PLAINTIFF is entitled to \$ _____ of the amount awarded to the Defendant
to reimburse Plaintiff for Court Costs.

This judgment is effective for 8 years.

Dated _____, 20 _____
JUDGE

NOTICE OF ENTRY OF JUDGMENT

I certify that I ☐ mailed ☐ delivered a copy of this judgment to ☐ Plaintiff ☐ Defendant on this date.

Dated _____, 20 _____
☐ Clerk ☐ Plaintiff ☐ Defendant

ADDRESS: _____

<p>_____, Plaintiff</p> <p>Name _____</p> <p>Street Address _____</p> <p>City, State, ZIP _____ Phone _____</p> <p>_____, Defendant</p> <p>Name _____</p> <p>Street Address _____</p> <p>City, State, ZIP _____ Phone _____</p>	<p>NOTICE OF DEFAULT JUDGMENT (FORM H)</p> <p>Case No. _____</p>
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PLEASE TAKE NOTE: A default judgment has been entered against the ☐ Plaintiff ☐ Defendant in the above-entitled case. A copy of the judgment is enclosed. For further information, consult the instructions accompanying the judgment and the Rules of Small Claims Procedures.

I certify that I mailed ☐ Plaintiff ☐ Defendant at the above address on this date.

Dated _____, 20 _____

☐ Plaintiff
☐ Defendant

INSTRUCTIONS FOR PARTY SENDING NOTICE OF DEFAULT JUDGMENT

If you were granted a default judgment, you must promptly send a copy of the judgment and a copy of a **Notice of Default Judgment** to the other party at the address given by the other party. The original **Notice of Default Judgment** must be filed with the court. Unless extended by the court, the other party has 30 calendar days in which to request that the default judgment be “set aside.” If the judgment is set aside, the case will go to trial, and the judge will hear both sides of the case. **The time for filing a Request to Set Aside begins when the Notice of Default Judgment is mailed to the other party. The time for filing an appeal begins when the Notice of Entry of Judgment (on the bottom of the judgment form) is received by the other party.**

____ COURT, STATE OF UTAH
____ COUNTY, SMALL CLAIMS DEPARTMENT
ADDRESS: _____

_____, Plaintiff Name _____ Street Address _____ City, State, ZIP _____ Phone _____, Defendant Name _____ Street Address _____ City, State, ZIP _____ Phone	REQUEST TO SET ASIDE JUDGMENT (FORM I) Case No. _____
--	--

☐ Plaintiff ☐ Defendant requests that the dismissal/default judgment entered against the party be set aside. The dismissal/default judgment was entered by the court on _____, 20__.
The party filing this Request to Set Aside Judgment states that the party had good cause for not appearing at the trial scheduled in this case. The good cause for failing to appear at trial is the following: _____

I certify that I mailed a copy of this Request to Set Aside Judgment to ☐ Plaintiff ☐ Defendant at the above address on this date.

Dated _____, 20____
☐ Plaintiff
☐ Defendant

ORDER OF THE COURT

This request to set aside judgment is

☐ Denied
☐ Granted. Trial will be on date: _____ at time: _____ at address

☐ Requesting party is required to pay other party's proven costs associated with the set aside judgment.

Dated _____, 20____

JUDGE

READ THE INSTRUCTIONS THAT ACCOMPANY THIS FORM

INSTRUCTIONS TO REQUEST SET ASIDE OF DISMISSAL

Because you did not show up on time for the trial in your small claims case, your claim was dismissed. If you have good cause for not appearing at the trial, you may ask the judge to “set aside” the dismissal. If the judge grants your request, the judge may require you to pay the other party’s costs associated with getting the dismissal (for example, costs of having witnesses appear for the trial at which you did not appear). If the dismissal is set aside, the case will go to trial, and the judge will hear both sides of the case. To ask the judge to set aside the dismissal, you must fill out the Request to Set Aside Judgment form and file it with the court. **The court must receive the Request to Set Aside within 30 calendar days after the judge dismissed your claim. The court may allow a Request to Set Aside to be filed late if the party shows good cause for failing to make a timely request and if the request is made in a reasonable time.**

INSTRUCTIONS TO REQUEST SET ASIDE OF DEFAULT JUDGMENT

Because you did not show up on time for the trial in your small claims case, the other party was given a “default judgment” against you. If you do not agree that the other party was entitled to a judgment against you and you have good cause for not appearing at the trial, you may ask the judge to “set aside” the default judgment. If the judge grants your request, the judge may require you to pay the other party’s costs associated with getting the default judgment (for example, costs associated with having witnesses appear for the trial at which you did not appear). To ask the judge to set aside the default judgment, you must fill out the Request to Set Aside Judgment form and file it with the court. **The court must receive the Request to Set Aside within 30 calendar days after the Notice of Default Judgment was mailed to you. The court may allow a Request to Set Aside to be filed late if the party shows good cause for failing to make a timely request and if the request is made in a reasonable time.**

INSTRUCTIONS TO PARTIES IF JUDGMENT IS SET ASIDE

If the judgment is set aside, the trial will be held on the date indicated on the court’s order. If the court indicated that costs may be assessed against the requesting party, the other party should bring proof (e.g., bills, canceled checks) of the costs associated with getting the set aside judgment.

____ COURT, STATE OF UTAH
____ COUNTY, SMALL CLAIMS DEPARTMENT
ADDRESS: _____

_____, Plaintiff Name _____ Street Address _____ City, State, ZIP _____ Phone _____, Defendant Name _____ Street Address _____ City, State, ZIP _____ Phone	SATISFACTION OF SMALL CLAIMS JUDGMENT (FORM J) Case No. _____
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A judgment was entered in favor of the ☐ Plaintiff ☐ Defendant in this case on _____,
20____, in the amount of \$_____.

Full and complete satisfaction of the judgment granted in this case has been received.

☐ Plaintiff ☐ Defendant

_____ By _____ (Agent's name and title, if
appropriate)

ACKNOWLEDGED before me on _____, 20_____.

Clerk, Deputy, or Notary

INSTRUCTIONS FOR SATISFACTION OF JUDGMENT

In order for the court records to reflect that a judgment has been paid, a **Satisfaction of Judgment** must be filed. The **Satisfaction of Judgment** should be signed and filed by the party to whom the judgment was paid.

ADDRESS: _____

<p>_____, Plaintiff</p> <p>Name _____</p> <p>Street Address _____</p> <p>City, State, ZIP _____ Phone _____</p> <p>_____, Defendant</p> <p>Name _____</p> <p>Street Address _____</p> <p>City, State, ZIP _____ Phone _____</p>	<p>NOTICE OF APPEAL (FORM K)</p> <p>Case No. _____</p>
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☐ Plaintiff ☐ Defendant appeals to the District Court the final judgment entered in this case by Judge _____ of this court.

I certify that I mailed a copy of this Notice of Appeal to ☐ Plaintiff ☐ Defendant at the above address on this date.

Dated _____, 20 _____

☐ Plaintiff ☐ Defendant

_____ By _____ (Agent's
name and title, if appropriate)